

State of Florida



## Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

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**DATE:** April 9, 2009

**TO:** Office of Commission Clerk (Cole)

**FROM:** Division of Economic Regulation (Walden)  
Office of the General Counsel (Fleming)

**RE:** Docket No. 090034-WS – Application for quick-take amendment of Certificate Nos. 496-W and 465-S to extend service area in Lake County, by Lake Utility Services, Inc.  
County: Lake

**AGENDA:** 04/21/09 – Regular Agenda – Interested Persons May Participate

**COMMISSIONERS ASSIGNED:** All Commissioners

**PREHEARING OFFICER:** Skop

**CRITICAL DATES:** None

**SPECIAL INSTRUCTIONS:** None

**FILE NAME AND LOCATION:** S:\PSC\ECR\WP\090034.RCM.DOC

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### Case Background

Lake Utility Services, Inc. (LUSI or Utility) is a Class A water and wastewater utility located in Lake County, south of Clermont on U. S. Highway 27. The Utility was serving 8,659 water customers and 2,860 wastewater customers in 2007. The Utility's service area in Lake County is in the St. Johns River Water Management District.

On January 20, 2009, the Utility filed its application for a "Quick Take" amendment to Certificate Nos. 496-W and 465-S pursuant to Rule 25-30.036(2), Florida Administrative Code (F.A.C.). The Commission has jurisdiction pursuant to Section 367.045, Florida Statutes (F.S.).

### **Discussion of Issues**

**Issue 1:** Should the Commission acknowledge Lake Utility Services, Inc.'s "Quick Take" application to amend Certificate Nos. 496-W and 465-S?

**Recommendation:** Yes, the Commission should acknowledge LUSI's amendment application to expand its water and wastewater territory. The proposed territory is described in Attachment A. The resultant order should serve as the Utility's amended certificate and should be retained by the Utility. The existing charges contained in its tariff should be applied to the customers in the new territory until it is authorized by the Commission to change them in a subsequent proceeding. (Walden)

**Staff Analysis:** The "Quick Take" amendment is designed to provide water and/or wastewater service quickly for areas that serve less than 25 equivalent residential connections (ERCs). The request for service territory expansion and amendment of existing certificates is considered approved when the utility complies with Rule 25-30.036(2), F.A.C., and if no protest is timely filed to the notice of application.

On January 20, 2009, LUSI filed this application for a "Quick Take" amendment to Certificate Nos. 496-W and 465-S for new territory in Lake County, pursuant to Rule 25-30.036(2), F.A.C. The proposed territory will include six ERCs, comprised of a church and two office buildings. The application is in compliance with the governing statute, Section 367.045, F.S., and other pertinent statutes and administrative rules concerning an application for amendment of certificate.

The Utility has filed revised tariff sheets incorporating the additional territory into its tariff. The Utility has sufficient capacity to serve its existing and proposed customers.

Based on the above information, staff believes it is in the public interest to acknowledge the "Quick Take" amendment application filed by LUSI to amend its territory to reflect the area described in Attachment A. The resultant order should serve as the Utility's amended certificate and should be retained by the Utility. The existing charges contained in its tariff should be applied to the customers in the new service territory until LUSI is authorized by the Commission to change those charges in a subsequent proceeding.

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**Issue 2:** Should this docket be closed?

**Recommendation:** Yes. If the Commission approves staff's recommendations in Issue 1, no further action will be necessary and this docket should be closed. (Fleming)

**Staff Analysis:** If the Commission approves staff's recommendations in Issue 1, no further action will be necessary and this docket should be closed.

Lake Utility Services, Inc.  
Lake County  
Description of Water and Wastewater Territory Added

In Township 24 South, Range 26 East, Lake County, Florida

In Section 15:

A portion of the North one-half (North 1/2) of Section 15, Township 24 South, Range 26 East, lying West of State Road 25 (US Highway Number 27), Lake County, Florida being more particularly described as follows:

Begin at the intersection of the South line of the North one-half (North 1/2) of said Section 15 with the westerly right-of-way line of State Road 25 according to the State of Florida, State Road department right-of-way map, Section 11200-2509; thence South 88°02'17" West along said South line of the North one-half (North 1/2) of said Section 15, a distance of 656.93 feet to a point on the arc of a non-tangent curve (radial line through said point bears North 24°08'40" East); thence northerly along the arc of said non-tangent curve, being concave to the East, having a radius of 92.00 feet, a central angle of 65°18'13", and arc distance of 104.86 feet; thence North 00°33'07" West, 74.00 feet; thence northwesterly along the arc of a tangent curve being concave to the Southwest, having a radius of 98.00 feet, a central angle of 94°12'12", an arc distance of 161.13 feet; thence South 85°14'41" West, 426.87 feet; thence South 83°55'27" West, 469.39 feet; thence South 85°29'04" West, 534.79 feet; thence westerly along the arc of a tangent curve being concave to the South, having a radius of 2015.00 feet, a central angle of 13°49'06" an arc distance of 485.97 feet (the last seven (7) courses described being coincident with the northerly limits of the clay road (Boggy Marsh Road) as currently maintained); thence North 52°08'05" West, 7.41 feet; thence North 66°23'04" West, 26.33 feet; thence North 79°42'45" West, 15.09 feet; thence North 48°36'21" West, 28.01 feet; thence North 06°10'28" West, 31.60 feet; thence North 20°27'55" West, 28.33 feet; thence North 34°48'36" West, 29.15 feet; thence North 04°58'16" East, 49.75 feet; thence North 56°20'25" East, 35.28 feet; thence North 49°12'19" East, 38.63 feet; thence North 20°14'26" East, 23.67 feet; thence North 29°46'29" East, 34.00 feet; thence North 35°55'40" West, 18.32 feet; thence North 36°24'31" West, 9.02 feet; thence North 12°43'21" East, 15.71 feet; thence North 37°15'11" East, 9.23 feet; thence North 51°31'55" East, 26.43 feet; thence North 82°43'14" East, 28.35 feet; thence North 33°57'05" East, 15.47 feet; thence North 09°07'31" East, 29.24 feet; thence North 32°46'12" East, 33.20 feet; thence North 29°56'09" East, 56.27 feet; thence North 31°02'35" East, 30.08 feet; thence North 12°22'58" East, 31.26 feet; thence North 17°46'26" East, 19.22 feet; thence North 40°49'35" East, 39.40 feet; thence North 01°08'40" East, 26.89 feet; thence North 06°15'55" East, 28.98 feet; thence North 01°22'54" East, 32.47 feet; thence North 02°35'39" East, 27.51 feet; thence North 09°01'59" East, 32.00 feet; thence North 06°12'43" East, 17.83 feet; thence North 22°20'29" East, 25.64 feet; thence North 32°33'34" East, 21.65 feet; thence North 87°42'23" East, 2188.30 feet; thence South 22°18'00" East along the westerly right-of-way line of said State Road 25, a distance of 923.55 feet to the Point of Beginning.

Said lands lying in Lake County, Florida containing 40.00 acres, more or less.

Lake Utility Services, Inc.  
Lake County  
Description of Water and Wastewater Territory Added (continued)

In Township 24 South, Range 26 East, Lake County, Florida

In Section 15:

A portion of the North one-half (North 1/2) of Section 15, Township 24 South, Range 26 East, lying West of State Road 25 (US Highway Number 27), Lake County, Florida being more particularly described as follows:

Commence at the intersection of the South line of the North one-half (North 1/2) of said Section 15 with the westerly right-of-way line of State Road 25 according to the State of Florida, State Road Department right-of-way map, Section 11200-2509; thence South 88°02'17" West along the South line of the North one-half (North 1/2) of said Section 15, a distance of 656.93 feet to the Point of Beginning, said point being a point on the arc of a nontangent curve (radial line through said point bears North 24°08'40" East); thence northerly along the arc of said nontangent curve, being concave to the East, having a radius of 92.00 feet, a central angle of 65°18'13", an arc distance of 104.86 feet; thence North 00°33'07" West, 74.00 feet; thence northwesterly along the arc of a tangent curve being concave to the Southwest, having a radius of 98.00 feet, a central angle of 94°12'12", an arc distance of 161.13 feet; thence South 85°14'41" West, 426.87 feet; thence South 83°55'27" West, 469.39 feet; thence South 85°29'04" West, 534.79 feet; thence westerly along the arc of a tangent curve being concave to the South, having a radius of 2015.00 feet, a central angle of 13°49'06", an arc distance of 485.97 feet (the last seven (7) courses describes being coincident with the northerly limits of the clay road (Boggy Marsh Road) as currently maintained); thence North 52°08'05" West, 7.41 feet; thence South 74°07'08" West, 27.80 feet; thence South 71°42'54" West, 36.05 feet; thence South 64°25'59" West, 42.91 feet; thence South 75°03'46" West, 45.16 feet; thence South 73°36'21" West, 44.62 feet; thence South 71°03'29" West, 52.35 feet; thence North 73°58'20" West, 24.18 feet; thence South 45°19'12" West, 27.72 feet; thence South 73°03'05" West, 31.36 feet; thence South 81°47'29" West, 46.10 feet; thence South 86°22'45" West, 65.11 feet; thence South 84°57'36" West, 53.58 feet; thence South 87°17'59" West, 48.05 feet; thence South 88°09'57" West, 39.00 feet; thence South 87°56'37" West, 45.73 feet; thence South 89°51'17" West, 54.99 feet; thence North 89°53'40" West, 59.03 feet; thence South 88°18'51" West, 49.27 feet; thence South 88°29'00" West, 59.15 feet; thence South 87°34'30" West, 55.95 feet; thence South 02°26'42" East, 9.63 feet; thence North 88°02'17" East along the South line of the North one-half (North 1/2) of said Section 15, a distance of 2952.39 feet to the Point of Beginning.

Said lands lying in Lake County, Florida containing 9.982 acres, more or less.

**FLORIDA PUBLIC SERVICE COMMISSION**  
**authorizes**  
**Lake Utility Services, Inc.**  
**pursuant to**  
**Certificate Number 496-W**

to provide water service in Lake County in accordance with the provisions of Chapter 367, Florida Statutes, and the Rules, Regulations, and Orders of this Commission in the territory described by the Orders of this Commission. This authorization shall remain in force and effect until superseded, suspended, cancelled or revoked by Order of this Commission.

<u>Order Number</u>	<u>Date Issued</u>	<u>Docket Number</u>	<u>Filing Type</u>
11459	12/17/82	82021-W	Original Certificate
18469	11/24/87	870998-WU	Extension of Certificate
18469	11/24/87	870999-WU	Extension of Certificate
18508	12/08/87	870057-WU	Amendment
18605	12/24/87	871080-WU	Original Certificate
19100	04/05/88	870057-WU	Consummating Order
21304	06/01/89	890334-WU	Transfer of Majority Stock Ownership
19482	06/10/89	880549-WU	Extension of Certificate
21555	07/17/89	890335-WU	Extension of Certificate
21909	09/19/89	891019-WU	Corrective Order
23839	12/07/90	900645-WU	Amendment
24957	08/21/91	900989-WU	Amendment
25286	11/01/91	910760-WU	Amendment
PSC-92-1369-FOF-WU	11/24/92	920714-WU	Amendment
PSC-02-1658-FOF-WS	11/26/02	020695-WS	Name Change/Merger
PSC-04-0966-FOF-WS	10/05/04	040371-WS	Amendment
PSC-05-0523-FOF-WS	05/13/05	020907-WS	Amendment
PSC-06-1065-FOF-WS	12/26/06	020907-WS	Territory Clarification
*	*	090034-WS	Amendment

**\*Order Number and date to be provided at time of issuance.**

**FLORIDA PUBLIC SERVICE COMMISSION**  
**authorizes**  
**Lake Utility Services, Inc.**  
**pursuant to**  
**Certificate Number 465-S**

to provide wastewater service in Lake County in accordance with the provisions of Chapter 367, Florida Statutes, and the Rules, Regulations, and Orders of this Commission in the territory described by the Orders of this Commission. This authorization shall remain in force and effect until superseded, suspended, cancelled or revoked by Order of this Commission.

<u>Order Number</u>	<u>Date Issued</u>	<u>Docket Number</u>	<u>Filing Type</u>
24283	03/25/91	900957-WS	Original Certificate
PSC-92-1328-FOF-WS	11/16/92	920900-WS	Amendment
PSC-94-0116-FOF-WS	01/31/94	931000-WS	Amendment
PSC-99-0164-FOF-WS	01/26/99	980958-WS	Transfer
PSC-99-0844-FOF-WS	05/03/99	990195-WS	Amendment
PSC-00-1657-PAA-WS	09/18/00	000430-WS	Amendment
PSC-01-0066-FOF-WS	01/09/01	001652-WS	Correction
PSC-02-1658-FOF-WS	11/26/02	020965-WS	Name Change/Merger
PSC-04-0966-FOF-WS	10/05/04	040371-WS	Amendment
PSC-05-0523-FOF-WS	05/13/05	020907-WS	Amendment
PSC-06-1065-FOF-WS	12/05/06	020907-WS	Territory Clarification
*	*	090034-WS	Amendment

**\* Order Number and date to be provided at time of issuance.**